



Montana Fish, Wildlife & Parks

Region Four Headquarters
4600 Giant Springs Road
Great Falls, MT 59405
February 12, 2007

Decision Notice Ulm Pishkun State Park DNRC Lands Conservation Easement

Description of Proposed Action:

Montana Fish, Wildlife and Parks (FWP) propose to purchase a permanent conservation easement on 418 acres of land owned by the Montana Department of Natural Resources and Conservation (DNRC). The property, known locally as Eustance Ranch, is located adjacent to the northern boundary of Ulm Pishkun State Park. The land includes the northern extension of buffalo jump cliffs, the historic ramps used by Native American tribes accessing the buffalo jump, native prairie grassland habitats, cultural resources, and prehistoric sites.

The conservation easement acquisition would be implemented in accordance with an option agreement negotiated between FWP and DNRC, allowing FWP five years to obtain the full purchase price of \$334,000. During the five year period and as a stipulation of the option agreement, FWP would pay DNRC \$11,704 annually, which would be applied and deducted from the agreed purchase price.

Over the past two years, Ulm Pishkun State Park has received approximately 22,000 visitors annually, with the majority being from in-state residents. Lands included in this conservation easement would be managed as part of Ulm Pishkun State Park. Acquisition of the easement would protect important cultural resources for future generations and enhance the park's outstanding opportunities for Native American and cultural resource interpretation and education.

Decision:

Based on the analysis in the EA, I have decided to proceed with Alternative B in the draft Environmental Assessment, which includes purchase of the conservation easement in accordance with the option agreement.

With this alternative, it is anticipated there would be limited additional maintenance responsibilities to FWP associated with the placement of boundary markers, fencing, weed control, resource management, and cultural resource protection.

A draft Environmental Assessment regarding this proposed action was posted in the Public Notices section of the FWP website and advertised in the Legal Notices section of the Great Falls Tribune, Helena Independent Record, and Cascade Courier. Hard copies were also mailed to neighboring landowners, Montana Indian Tribes, Cascade County Commissioners, Cascade County Planning Office, All Nations Pishkun Association, and other interested parties.

Two public comments were received and are summarized below:

Public Comments:

"I believe that the proposed fence line is a mistake. First of all the farm ground is already separated from the grazing ground by fencing. There is a north south fence dividing the farmland to the west from the jump and driveline sites to the east. In addition the farmground located on the northeast part of the Eustance Ranch purchase is fenced as well. The farmland which is disturbed ground is therefore separated from the undisturbed ground which is grazing land. This allows the DNRC to cash lease the farmground to receive revenues and would allow the FWP to protect and preserve the undisturbed ground and keep the site intact. The farmground protects the viewshed from subdivision and building."

"Any fence built on the grazing land as currently proposed by the FWP will adversely impact the viewshed which was one of the goals that we are working to preserve."

"The proposed fence would negatively impact the drive lines that lead to and from the jump by crossing thru them. Any fence construction has the potential to alter and or destroy the site that we are working to preserve."

"It is my understanding that State Law would require an archeological survey if any construction was to take place. We already know that we have an archeological site of great significance to the Tribes of Montana, the State and the Nation so why engage in activity that is counter productive. Monies and time spent on archeological surveys could be used to increase the base of knowledge of the site not for fencelines that adversely impact this site."

"Fencing is costly. Money spent on fencing could be used to lease the additional acres from the DNRC to keep the site intact until other avenues are available."

"The ANPA and it's members are willing to help use our good offices to help the FWP protect the entire site and to help raise monies to achieve this."

"As an officer of the ANPA which has as it's mission statement to protect and preserve this historic and cultural site I would like to be informed of the ongoing issues at our State Park."

Brad Hamlett
Sun River, Montana

“We need to look at the fencing of the easement, we need to rethink fencing the area and leaving out the drive lines, the drive lines are very important to the jump and we just can exclude them we need to protect them also.”

“We want to protect the view shed on the jump and putting a fence through the middle of the north jump defeats the purpose of protecting the complete view shed.”

“Now that the north half of the jump is park land, has there been a archaeological survey done and see what impact and damage the fence will have?”

“Is there a reason we cant keep the existing fence on the west end bordering the farm land, and start up meetings with the DNRC on what kind of agreement we can come up with about the grazing area?”

Lyle Heavy runner
Great Falls, MT

Response to Comments:

FWP shares the concern over potential adverse impacts to the drivelines or other cultural resources in the area that may result from fencing. However, DNRC’s terms and conditions for the Conservation Easement currently require fencing if and when adjacent DNRC lands are leased for grazing.

While the commenter is correct that a fence already exists that separates grazing land from agricultural land, the easement boundary with the SE ¼ of Section 12 would have to be fenced if leased to grazing, otherwise cattle encroachment and associated impacts would not be deterred.

FWP also recognizes the need to properly identify the park boundary to the public as a necessary means of protecting the park’s cultural resources, enforcing park specific regulations, and managing visitor use. This may be accomplished through fencing or some other form of delineation.

Should fencing become necessary due to adjacent grazing leases or other park boundary delineation needs, a careful evaluation will be conducted to identify appropriate fencing materials, techniques, and locations that address adverse impacts to cultural resources and/or the viewshed. This evaluation will include consultation with DNRC and the State Historic Preservation Office along with appropriate archeological resource inventory and assessment.

The high level of importance in preserving the cultural and historical significance of the area is reflected in the remarkable efforts of private landowners, DNRC, FWP, and others who worked hard to acquire and protect this property. FWP is committed to its role and responsibility as a steward of these critical resources that have been placed in the hands of the State of Montana for the benefit of future generations.

I have reviewed the EA and applicable laws, regulations, policies, and the DNRC Environmental Assessment for the landbanking acquisition of the Eustance Ranch and have determined that this action will not have a significant effect on the human environment. Therefore, an Environmental Impact Statement will not be prepared.

This action is subject to appeal, which must be submitted to the FWP Director in writing, and postmarked within 30 days of the date of this decision notice. The appeal must specifically describe the basis for the appeal, explain how appellant has previously commented to the Department or participated in the decision-making process, and lay out how FWP might address the concerns in the appeal.

The Final Environmental Assessment may be viewed, or obtained from Montana Fish, Wildlife & Parks, Region Four Headquarters, Great Falls, MT. If you have questions regarding this decision notice, or the final EA, please direct requests and questions to: Mr. Gary Bertellotti, Region Four Supervisor, 4600 Giant Springs Road, Great Falls, MT 59405, (406) 454-5846.

 /s/
Gary Bertellotti
Region 4 Supervisor